

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 24, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF#000D-374
OAHU

Rescind Prior Board Action of January 28, 2000 (Item D-22),
Department of Agriculture Requests for Designation, Set
Aside for Addition to the Kalaeloa Agricultural Park and a
Management Right-of-Entry at Honouliuli, Oahu, Tax Map Key:
(1) 9-1-31:portion of 1

At its January 28, 2000 meeting, under agenda item D-22, the Land Board approved to designate the subject lands to be for an agricultural park; recommend to the Governor the issuance of an executive order setting aside the subject lands to the Department of Agriculture; and authorized the issuance of a management right-of-entry to the Department of Agriculture. At that time, the Department of Agriculture was in the process of finalizing a lease with the Hawaii Livestock Cooperative for a slaughterhouse operation within the adjacent Governor Executive Order No. 3801. Additional lands (approximately 39 acres) was needed for the disbursement of the treated wastewater effluent. (Exhibit A)

Recently staff wrote to the Department of Agriculture inquiring if they were proceeding with the subdivision of the subject property. By memorandum dated February 28, 2006, Mr. Brian Kau, Administrator and Chief Engineer for the Agricultural Resource Management Division responded saying the additional lands are no longer necessary to accommodate the slaughterhouse operations and the disposal of treated effluent wastewater. (Exhibit B)

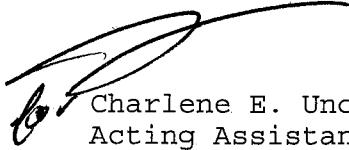
The January 28, 2000 Board approval needs to be removed from the property because staff will be requesting the Land Board permission to issue a long-term lease for the 110 acre property through either the public auction or request for proposal process.

RECOMMENDATION: That the Board:

- A. Rescind the prior Board action of January 28, 2000, under agenda item D-22.

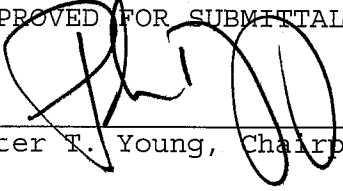
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki
Acting Assistant Administrator

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

1
D-22

State of Hawaii
Department of Land & Natural Resources
Land Division
Honolulu, Hawaii 96813

January 28, 2000

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

OAHU

Department of Agriculture requests for designation, set aside for addition to the Kalaeloa Agricultural Park and a management right-of-entry at Honouliuli, Oahu, Tax Map Key: (1) 9-1-31-portion of 1

APPLICANT:

State of Hawaii, Department of Agriculture, whose mailing address is 1428 South King Street, Honolulu, Hawaii 96814.

LEGAL REFERENCE:

Section 171-11, 112, 117, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Honouliuli, Ewa, Oahu, identified by Tax Map Key: (1) 9-1-31-portion of 1, as shown on the attached map labelled EXHIBIT A.

AREA:

39 acres, more or less

ZONING:

State Land Use District:
City & County of Honolulu CZO:

Agricultural
Agricultural

LAND TITLE STATUS:

Section 5(b) lands of the Hawaii Admission Act: YES___ NO__X

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES___ NO__X

CURRENT USE STATUS:

Vacant and unencumbered.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

January 28, 2000. [signature]

EXHIBIT "A"
ITEM D-22

PURPOSE:

Addition to the Kalaeloa Agricultural Park specifically for the irrigation of treated wastewater effluent and to cultivate foliage cover with an access and pipeline easement.

CHAPTER 343 - ENVIROMENTAL ASSESSMENT:

This is a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, relating to environmental impact statements. The Department of Agriculture will be responsible for compliance with all applicable laws.

REMARKS:

The subject parcel was acquired from the Trustees Under the Will and of the Estate of James Campbell, Deceased, by Final Order of Condemnation, Civil No. 91-4097-12.

The land was acquired for the purposes of land banking, protecting and preserving agricultural lands, and for providing various public uses.

The Land Board at its meeting of October 9, 1998, Item D-18, approved and recommend to the Governor the issuance of an executive order to the Department of Agriculture, setting aside approximately 6.685 acres and 3.769 acres for an agricultural park.

The Governor on October 15, 1999 signed Governor's Executive Order #3801.

By memorandum dated December 22, 1999, Chairperson James J. Nakatani is requesting the set aside for approximately 39 acres. (See Exhibit A) The Department of Agriculture is in the process of finalizing a lease with the Hawaii Livestock Cooperative for a slaughterhouse operation within Governor's Executive Order #3801. It is necessary to have additional acreage for the disbursement of the treated wastewater effluent. Instead of locating this process on prime industrial land and the State could loose valuable revenues, the area within the flight easement and shoreline management area (SMA) was selected. A consultant will be hired to prepare an environmental assessment to apply for a SMA permit with the City and County of Honolulu.

Staff has no objections to the request.

RECOMMENDATION: That the Board:

1. Designate the subject lands to be for an agricultural park.
2. Approve of and recommend to the Governor the issuance of an

EXHIBIT "A"

executive order setting aside the subject lands to the State of Hawaii, Department of Agriculture under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to protect the State's interest.
3. Authorize a management right-of-entry, subject further to the following:
- A. Applicant and/or its contractors shall indemnify, defend and hold the State of Hawaii, Department of Land and Natural Resources, harmless from and against any loss, liability, claim or demand for property damage, personal injury, and death arising out of any act or omission of applicant and/or its contractors under this approval or relating to or connected with the granting of this approval.
 - B. Applicant and/or its contractor, shall procure, at their own expense, and maintain during the entire period of this right-of-entry, from an insurance company or companies licensed to do business in the State of Hawaii, a policy or policies of comprehensive public liability insurance, in an amount acceptable to the Department (\$500,000 per incident/\$1,000,000 aggregate) insuring the State of Hawaii against all claims for personal injury, death, and property damage; that said policy shall, cover the entire right-of-entry area in the control or use of the applicant and/or its contractor.
 - C. The applicant and/or its contractors shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments relative to the rights granted herein.
 - D. In the event any unanticipated sites or remains such as bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls are encountered applicant and/or its contractors shall stop work and contact the State Historic Preservation Division in Honolulu at (808)

EXHIBIT "A"

692-8015 immediately.

- E. This management right-of-entry is effective upon Land Board approval and shall continue for two (2) years.
- F. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time it deems necessary while this right-of-entry is in force.

Respectfully submitted,

Charlene E. Unoki

Charlene E. Unoki
Land Agent

APPROVED FOR SUBMITTAL:

Timothy E. Johns

TIMOTHY E. JOHNS, Chairperson

EXHIBIT "A"

BENJAMIN J. CAYETANO
Governor

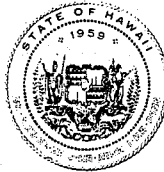


EXHIBIT A

JAMES J. NAKATANI
Chairperson, Board of Agriculture

LETITIA N. UYEHARA
Deputy to the Chairperson

Mailing Address:
P.O. Box 22159
Honolulu, Hawaii 96823-2159

Fax: (808) 973-9613

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

December 22, 1999

TO: Honorable Timothy Johns
Chairperson, Board of Land and Natural Resources

FROM: James J. Nakatani
Chairperson, Board of Agriculture

SUBJECT: Request for Set Aside of State Lands at Kalaeloa,
Oahu, TMK 9-1-31:01

The Department of Agriculture respectfully requests additional State lands at our Kalaeloa Agricultural Park. Pursuant to sections 171-112 and 117, HRS, the Board of Land and Natural Resources may designate State lands for disposition as an agricultural park and set aside under section 171-11, HRS, to the Department of Agriculture.

A consultant has been engaged to prepare an environmental assessment of the proposed site. The slaughterhouse operations require an area of sufficient size to dispose of treated wastewater effluent. The intent is to cultivate foliage cover by irrigation within the Special Management Area (SMA) as shown on the attached map. This acreage is under the flight path of the aircraft landing zone and, as such, has limited uses. It is estimated that there are approximately 39 acres available for this use.

Attachment

c: V. Char
C. Wong



EXHIBIT "A"

DEC 28 10 44 AM '99

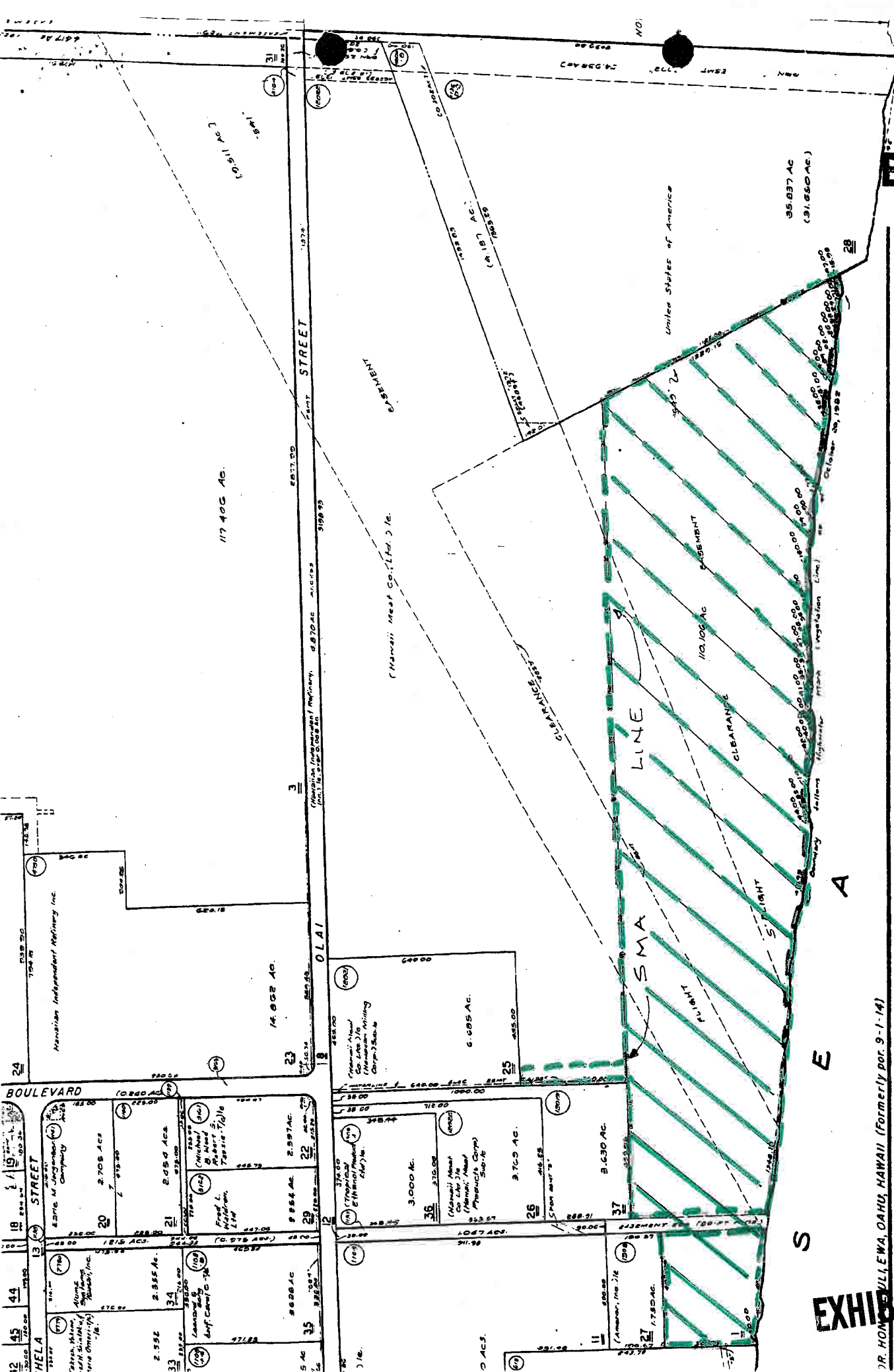
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LAND AND NATURAL
RESOURCES
STATE OF HAWAII

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& NATURAL RESOURCES
STATE OF HAWAII

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EXHIBIT "A"





State of Hawaii
Department of Agriculture
Agricultural Resource Management Division
1428 So. King Street, Honolulu, Hawaii 96814
Phone: (808) 973-9473 Fax: (808) 973-9467

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LAND DIVISION

2006 MAR -1 A 10: 09


DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

MEMORANDUM

HON.06.045

February 28, 2006

TO: Charlene Unoki
Assistant Administrator, Land Division

FROM:  Brian Kau, P.E.
Administrator and Chief Engineer
Agricultural Resource Management Division

SUBJECT: Request for Additional Set Aside
Kalaeloa Agricultural Park, TMK (1) 9-1-031:portion 1

Thank you for your memorandum of February 23, 2006 regarding the above referenced subject. The Department of Agriculture has determined that an additional set aside is no longer necessary to accommodate the tenancy of the slaughterhouse operations and the disposal of treated effluent wastewater.

You may close your pending file on this matter. We appreciate your cooperation and patience in this matter.

EXHIBIT "B"